

REMARKS

Applicant respectfully traverses the § 103(a) rejection of claim 1 over Corcoran, and the § 103(a) rejection of claim 2 over Oullette in view of Farley.

In the present invention, as set forth, *e.g.*, in independent claims 1 and 2, a vertical take-off and landing aircraft comprises an airframe having an upper surface, upon which an aircraft operator stands, and a sidewall defining a periphery. Air intake ports are defined in the side wall spaced about the periphery, below the upper surface. A duct transfers air from the intake ports to the propeller, thereby controlling a posture and a direction of the airframe. As set forth in dependent claims 10-12, an external high pressure gas can be supplied to the turbine by, *e.g.*, a hp gas generator, a jet engine, a detonation pulse engine, and the propulsion device can be, *e.g.*, a jet engine, a turbo fan engine, a fuel-cell driven motor, or an internal combustion engine.

In the present invention, having the structure as set forth in the claims, *e.g.*, the air intake ports being spaced about the periphery below the upper surface, with the aircraft operator standing on the upper surface, the aircraft operator is not subject to high winds, which would otherwise lower his body temperature to an unacceptable level. Moreover, it is possible to prevent the operator from being subjected to intake air sucked from the air intake port and introduced into the propeller, because intake ports are spaced below the upper surface. It is possible, therefore, to further reduce the operator's discomfort while flying.

The cited references do not suggest the structure recited in the claims. In the cited references, the aircraft operator sits in a passenger compartment, not on an upper surface, and is thereby protected from high winds. The aircraft structures disclosed in the references lack the structure recited in the claims, and because of the location of the

operator, the references provide no suggestion or motivation to alter their disclosed structures.

Claims 1 and 2 have been amended to more clearly recite the above-described features of the invention. These amendments include features previously recited in claims 9, 10, and 11, which the Examiner cited as containing allowable subject matter, and so it appears that the Examiner has already concurred with the applicant's position.

Applicant has amended claim 8, as proposed by the Examiner, in order to obviate the § 112, second paragraph rejection. The Examiner already stated that this claim recites allowable subject matter.

The dependent claims are patentable at least because of their dependence from allowable claims 1 and 2. Moreover, the Examiner already indicated the presence of allowable subject matter in claims 3, 5-7, and 10-12.

Applicant has canceled claim 9, because, in view of the amendments to claims 1 and 2, claim 9 was superfluous.

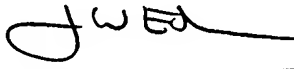
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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